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| 10/755,351 | 01/13/2004 | Masato Yoshioka | 024446-00005 | 1229 |

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EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,351

Applicant(s)

YOSHIOKA, MASATO

Examiner

Timothy M. Ayres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This is a first office action on the merits of application SN 10/755,351.

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

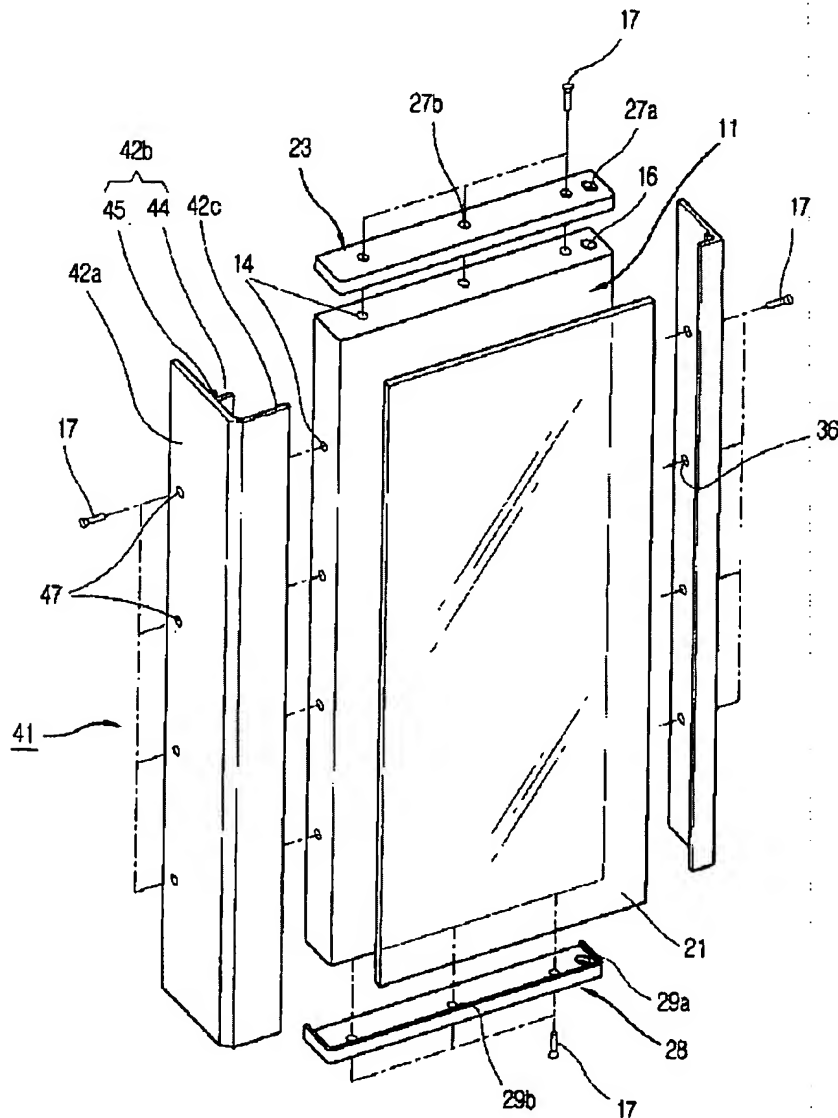
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2, and 4 are rejected under 35 U.S.C. 102(a) as being anticipated by Korean Patent 2003-0057087 to Lee. Lee teaches a cover panel unit for covering the front of a refrigerator. As best seen in figures 3 and 5, a pair of lateral side panels (35,41) covers the left and right sides of a door (12). A front panel (21) for covering the front of the door (12) is engaged with guide grooves (42b, 37b) in each lateral side

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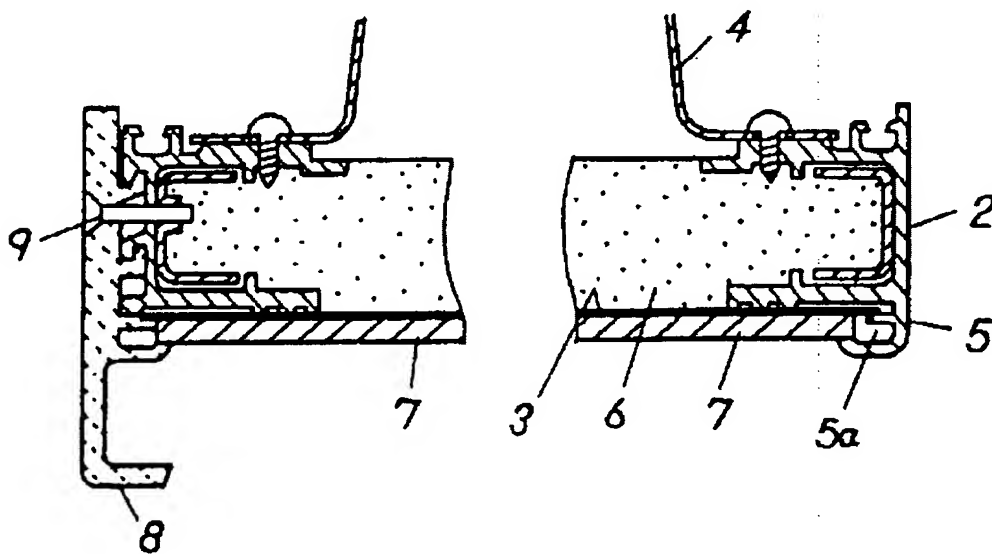
panel (41,35). A grip (42c) is fixed integrally with one of the lateral side panels (41). A foam resin sheet (51) is inserted between the front panel (21) and the door (12). The lateral side panels (41, 35) have portions (45,42a, 37a, 40) that abut the sides and front of the door (12).



Lee '087 Figure 3

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4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 3,187,770 to Kawamura. Kawamura teaches a cover panel unit for covering the front of a refrigerator. As best seen in figure 3, a pair of lateral side panels (2, 8) covers the left and right sides of a door (12). A front panel (7) for covering the front of the door is engaged with guide grooves (5a) in each lateral side panel. A grip (8) is fixed integrally with one of the lateral side panels (8). The other lateral side panel (2) has a portion that abuts the front, back, and sides of the door.

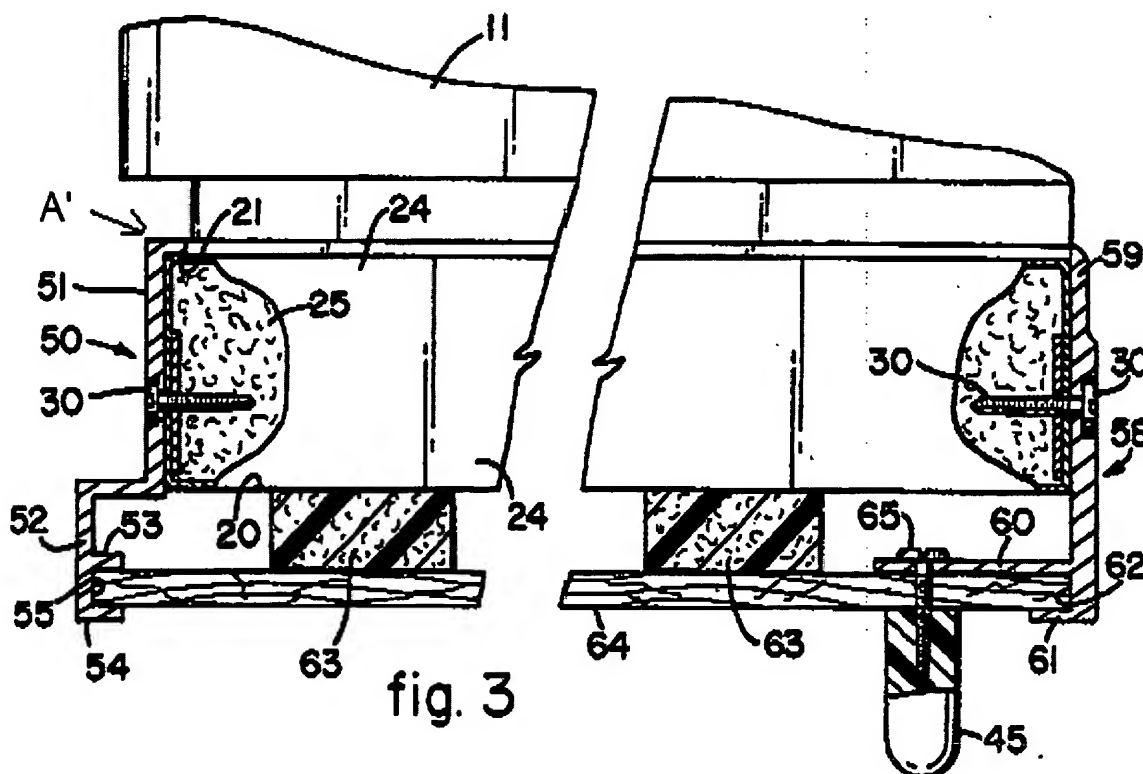


Kawamura '770 Figure 3

5. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,358,326 to Cherry. Cherry teaches a cover panel unit for covering the front of a refrigerator. As best seen in figure 3, a pair of lateral side panels (50,58) covers the left and right sides of a door (13, 20-24). A front panel (64) for covering the front of the

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door (13) is engaged with guide grooves (55,62) in each lateral side panel. A grip (45) is fixed integrally with one of the lateral side panels (58). Note: it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fasteners and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA). The grip (45) is fixed by fasteners (65) through the front panel (64) to the lateral side panel (58). A foam resin sheet (63) is inserted between the front panel (64) and the door (13). The lateral side panels (50, 58) have portions that abut the sides of the door (13) and the lateral side panel (50) appears to have portion (A') that abuts the back of the door (21) as seen in figure 3.



Cherry '326 Figure 3

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

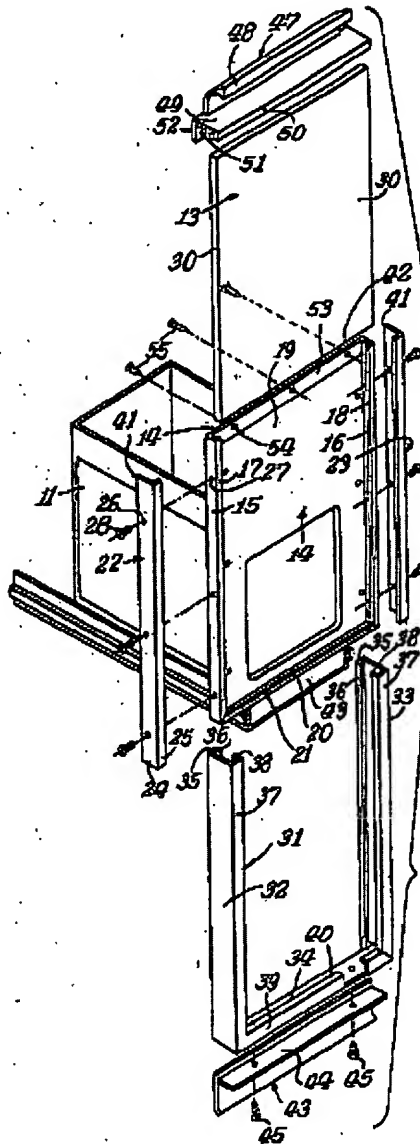
7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Korean Patent 2003-0057087 to Lee in view of US Patent 3,773,399 to Sulcek. Lee discloses every element as claimed and discussed above except a portion of the lateral side panel abutting the back of the door and have an open box shaped cross section. Sulcek teaches a decorative panel (30) for a compactor drawer (11). A lateral side panel (47) has an integral grip (48) fixed on it and a portion (52) of the lateral side panel (47) abuts the back of the door (14). Flanges (51,50) create a groove to receive the decorative panel (30). The fastening means (55) for the lateral side panel (47) are located in the portion (52) that abuts the back and thereby are out of view. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify Lee by have

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a portion of the lateral side panels to abut the back of the door as taught by Sulcek so that the fastening means can be moved to the back.



Sulcek '399 Figure 2

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 3,187,770 to Kawamura. Kawamura discloses every element as claimed and

discussed above except a portion of the lateral side panel abutting the back of the door and have an open box shaped cross section. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the lateral side panel with the grip to have a portion abutting the back of the door like is done on the other one so that the only screw is on the back.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,358,326 to Cherry in view of US Patent 3,773,399 to Sulcek. Cherry discloses every element as claimed and discussed above except a portion of the lateral side panel abutting the back of the door and have an open box shaped cross section. Sulcek teaches a decorative panel (30) for a compactor drawer (11). A lateral side panel (47) has an integral grip (48) fixed on it and a portion (52) of the lateral side panel (47) abuts the back of the door (14). Flanges (51,50) create a groove to receive the decorative panel (30). The fastening means (55) for the lateral side panel (47) are located in the portion (52) that abuts the back and thereby are out of view.

11. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify Lee by have a portion of the lateral side panels to abut the back of the door as taught by Sulcek so that the fastening means can be moved to the back.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 3,070,852 to Hiliker discloses a refrigerator door that has lateral side panels that abut the back, side and front of the door. US Patent

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3,313,065 to Sandin discloses a refrigerator door with grooves to receive a panel. US Patent publication 2001/0003408 to Otto discloses a glass refrigerator door that has integral handles located in lateral side panels that have grooves to receive the glass door. Canadian Patent 2,354,931 to Leitch discloses a handle assembly for a refrigerator that has grooves to slide in a mounting bracket and the space between the handle and the mounting bracket allows for a panel to slide in. US Patent 4,583,796 to Nakajima discloses a refrigerator door assembly that as seen in figure 2 has lateral side panel that abut the front, back, and side of the door. US Patent 4,752,517 discloses a door with lateral side panels that have portions that abut the back side and front of the door and also has a groove to receive a front panel (14). Korean Patent 2003-0058178 to Lee discloses substantially the same as the other Korean Patent to lee except that this discloses a curved refrigerator door.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA
1/27/06



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